THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITIN No.8974 of 1996

DATE: 29-8-2005

Between:

1. B.Santhanam and 12 others ……. Petitioners

and

1. The Managing Director, A.P. Forest Development

Corporation, Hyderabad and three others …… Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITIN No.8974 of 1996

ORAL ORDER:

The present writ petition has been filed by thirteen employees of A.P. Forest Development Corporation working as plantation watchers in Bapatla range.

The grievance of the petitioners is that though they were performing the duties as plantation watchers, which is similar to the duties being performed by plantation watchers of the Forest Department, they are not being paid emoluments on par with the plantation watchers of the Forest Department.

A counter affidavit is filed wherein this allegation is specifically denied. It is contended that the mode of recruitment, duties and responsibilities in the forest department are distinct and different from that of plantation watchers in the A.P. Forest Development Corporation. It is further stated that the watchers in the department, known as reserve forest watchers, are appointed on regular basis and who together with beat guards are entrusted with the job of protecting the forest, wild life, plantations by way of prevention, detection and reporting of illicit felling and smuggling of forest produce, encroachments and thus ensuring the total protection of forest and wild life in the forest to an extent which covers 2000 to 3000 hectares of area per head whereas the plantation watchers in the Corporation are engaged on contingency basis and have got jurisdiction of only about 200 hectares and this area comprises of the plantations raised by the Corporation were specific lining and spacement. It is also contended that the plantation watchers of the Corporation are initially engaged on contingency basis on daily wages under different works for

specified periods without following procedure of recruitment.

What are the duties discharged by plantation watchers of the Corporation, whether the duties performed by them are similar to that of plantation watchers in the Forest Department etc., are all questions of fact, which cannot be examined in proceedings under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. Since dismissal of the writ petition is not on merits, this order shall not preclude the petitioners herein from availing the remedy under the provisions of the Industrial Disputes Act and in case, they choose to avail the remedy, the matter shall be considered on its own merits without being influenced by any observations made in this order. No costs.

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29-8-2005

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